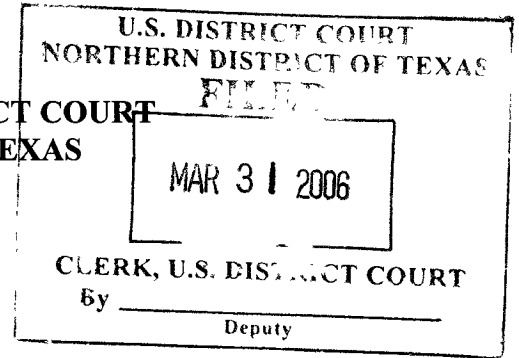


**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION**



SANDRA OLYER,

Plaintiff,

vs.

**JO ANNE B. BARNHART,
Commissioner of Social Security,**

Defendant.

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**Civil Action No. 1:04-CV-238-C
ECF**

ORDER

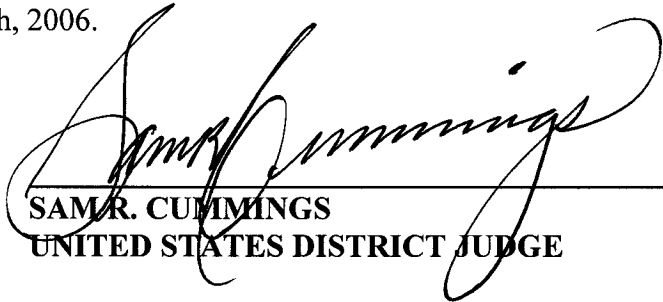
THIS MATTER comes before the court on the Report and Recommendation filed March 16, 2006 (Doc. 18). No written objections have been filed.

IT IS, THEREFORE, ORDERED that the findings and conclusions in the Report and Recommendation are **ADOPTED** as the findings and conclusions of the court and that this cause is reversed and remanded to the Commissioner for further proceedings pursuant to 405 U.S.C. § 405(g).

Upon remand, the ALJ should consider whether there are a significant number of jobs that Plaintiff can perform. The court further suggests that the ALJ consider whether he should apply the five factors in 20 C.F.R. § 416.927 in determining the weight to which a treating physician's, or other medical source's, medical source statement opinions are entitled, document the analysis, give good reasons for the weight given to all medical source opinions (unless the treating doctor's opinions have been given controlling weight), and provide an appropriate explanation for rejecting

a treating physician's opinion pursuant to the regulation and *Newton v. Apfel*, 209 F.3d 448, 456 (5th Cir. 2000).

DATED this 31st day of March, 2006.



SAM R. CUMMINGS
UNITED STATES DISTRICT JUDGE